

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-15 are pending in this case.

In the outstanding Office Action, Claims 1, 7-8 and 14 were rejected under 35 U.S.C. §102(b) as anticipated by Casper et al. (U.S. Patent No. 4,451,916, hereinafter "the '916 patent"). Claims 2-6 and 9-13 were objected as being dependent upon a rejected base claim but were indicated to be allowable if rewritten in independent form, including all the limitations of the base claim and any intervening claims. Claim 15 is allowed.

In response to the rejection of Claims 1, 7-8 and 14 under 35 U.S.C. §102(b), Applicant traverses the rejection as discussed next.

Independent Claims 1 and 8 of the present application recite "enabling an interrupt." An interrupt can be defined as "a suspension of a process, such as the execution of a computer program, caused by an event external to that process, and performed in such a way that the process can be resumed."¹

The portion of the '916 patent at column 2, lines 3-20 relied upon by the Examiner recites "a communication scheme between a pair of relatively geographically remote stations with respect to which the digitized telephone traffic may be interfaced, the network of the present invention includes a

¹ See Dictionary of Computers, Information Processing and Telecommunications, Second Edition, by Jerry M. Rosenberg, ©1984 and 1987 by John Wiley and Son, Inc.

plurality of full duplex fiber optic channels and one or more auxiliary channels to supplement a working channel in the even of a failure." A failure is defined as "determination of the capability of a functional unit to perform its required function."²

The '916 patent explicitly teaches having auxiliary channels to supplement a working channel in the event of a *failure*; however, the '916 patent fails to teach "enabling interrupts" as is recited in claim 1 of the present application. In view of the above, the cited prior art fails to teach or suggest every feature recited in Applicant's claims so that rejected Claims 1, 7-8 and 14 are believed to be patentably distinguishable over the cited prior art. Accordingly, Applicant respectfully traverses, and requests reconsideration of the rejections based on the '916 patent.³

CONCLUSION

In view of above remarks, reconsideration of the outstanding rejection and allowance of pending claims 1-15 is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit

² See Dictionary of Computers, Information Processing and Telecommunications, Second Edition, by Jerry M. Rosenberg, ©1984 and 1987 by John Wiley and Son, Inc.

³ See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

Account No. 08-0750 for any additional fees required under 37 C.F.R. §§ 1.16
or 1.17; particularly, extension of time fees.

Very truly yours,

HARNESS, DICKEY & PIERCE, PLC

By


Gary D. Yacura

Reg. No. 35,416

GDY:jcp

P.O. Box 8910
Reston, VA 20195
(703) 668-8000